

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL No. 2:10-CR-136-DBH-01
)	
SHAREEF NASH,)	
)	
DEFENDANT)	

ORDER ON MOTION TO APPOINT COUNSEL

The defendant Shareef Nash is serving a lengthy federal prison sentence imposed by this Court. The defendant recently filed a letter with this Court requesting appointment of counsel to seek a sentence reduction based upon the United States Sentencing Commission's recent decision to make retroactive a reduction in penalties for certain drug-related sentences. Letter from Shareef Nash to Clerk of Court dated January 4, 2016 (ECF No. 936); see U.S. Sentencing Guidelines Manual app. C, Amendment 782 (2014); U.S. Sentencing Guidelines Manual § 1B1.10(d) (2015).

At his sentencing in February of 2013, Nash was held responsible for 2.3 kilograms of cocaine base, which generated a base offense level (BOL) of 34. He then received a 2-level increase for possessing firearms, a 4-level increase for his role in the offense, a 2-level increase for the use and involvement of a juvenile in the offense, and a 3-level reduction for acceptance of responsibility, resulting in a total offense level (TOL) of 39. He had a Criminal History Category V, making

his guideline range for imprisonment 360 months to Life. He was given a variant sentence of 240 months of imprisonment.

Under the Guidelines as amended, the defendant's BOL is reduced to 32 and his TOL is reduced to 37, resulting in a revised guideline range of imprisonment 324 to 405 months.

Because the original sentence I imposed is already below the revised guideline range, Nash is not eligible for any further reduction. See U.S. Sentencing Guidelines Manual § 1B1.10(b)(2)(A) ("[T]he court shall not reduce the defendant's term of imprisonment . . . to a term that is less than the minimum of the amended guideline range").

Therefore, the defendant's motion to appoint counsel to seek a sentence reduction (treated also as a motion to reduce sentence) is **DENIED**.

SO ORDERED.

DATED THIS 20TH DAY OF JANUARY, 2016

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE